

### REMARKS

Claims 1 and 3-61 remain pending in the application.

#### Suggested Restriction Requirement (SRR)

Applicants respectfully suggest a Restriction Requirement for pending claims 1 and 3-61. In particular, Applicants suggest a Group I that would be comprised of claims 1 and 3-47, and Group II that would be comprised of claims 48-51. Applicants provisionally elect the Group II claims.

#### Claims 1, 3-10, 15 and 17-61 over Gleeson in view of Dunlop

In the Office Action, claims 1, 3-10, 15 and 17-47 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 5,446,736 to Gleeson et al. ("Gleeson") in view of U.S. Patent No. 6,721,872 to Dunlop et al. ("Dunlop"). The Applicants respectfully traverse the rejection.

Claims 1, 3-10, 15 and 17-61 recite a **fundamental network protocol** that underlines each of one or more wireless network protocols and to include a protocol stack that corresponds substantially to an Open System Interconnection (OSI) model.

The Examiner alleged that Gleeson teaches a **fundamental network protocol** that underlines each of one or more wireless network protocols and to include a protocol stack that corresponds substantially to an Open System Interconnection (OSI) model at col. 6, lines 57-61 and Figs. 2, 5 and 6. However, Gleeson at col. 6, lines 57-61 recites:

As previously mentioned, these communications and other generalized network connections can be modeled as a "protocol stack" of layers in which selected data processing operations are performed in each layer and the layers communicate via standard protocols.

Gleeson at best simply teaches, particularly at col. 6, lines 57-61, various communications can be modeled as a "protocol stack". However, Applicants' claims recite **one protocol** that underlines each of one more **other protocols**. Gleeson fails to teach **one protocol** that underlines each of one more **other protocols**, much less a **fundamental network protocol** that

underlines each of one or more wireless network protocols, much less to include a protocol stack that corresponds substantially to an Open System Interconnection (OSI) model, as recited by claims 1, 3-10, 15 and 17-61.

Moreover, claims 1, 3-10, 15 and 17-61 recite a system and method for communicating a message between a client application and a server application over a selected wireless network protocol through a protocol gateway independent of a selected wireless network protocol.

The Examiner alleged that Gleeson teaches communicating a message between a client application and a server application over a selected wireless network protocol through a protocol gateway independent of a selected wireless network protocol at col. 7, lines 52-63 and Figs. 2, 5, and 6 (see Office Action, page 3). However, the Examiner goes on to **acknowledge** that Gleeson **fails** to teach a protocol gateway adaptively arranged between at least two of a plurality of networks to encapsulate a fundamental network protocol (see Office Action, page 3).

Gleeson at col. 7, lines 52-63 teaches:

As with the previous layered arrangement, the protocol stack for STATION 1 includes an application layer 300 which communicates directly with the application program running in STATION 2. Application layer 300 then communicates with a protocol layer 304, however, in order to insure that the wireless network is used efficiently, non-standard wireless network specific protocol layers are used to provide the communication services used by the application. These non-standard layers then communicate a media-specific layer 308 which, in turn, communicates directly with the wireless network 312.

A thorough reading of Gleeson at col. 7, lines 52-63 and Figs. 2, 5, and 6, and everywhere else within the reference, reveals that Gleeson not only fails to disclose a protocol gateway (a term of art) adaptively arranged at the recited location as **acknowledged** by the Examiner, but fails to teach a protocol gateway **at all**. Thus, Gleeson fails to teach communicating a message between a client application and a server application over a selected wireless network protocol through a protocol gateway independent of a selected wireless network protocol, as recited by claims 1, 3-10, 15 and 17-61.

Moreover, Gleeson **teaches away** from use of a protocol gateway.

Gleeson teaches:

The conventional solution to this problem is to use specialized protocols for those networks which involve connections between a wireless network and various nodes. However, when specialized protocols are used, the protocol is often dependent on the exact network configuration. Significant additional development time is then often required to connect nodes to wireless WANs because custom protocol converters or gateways are needed. In addition, the use of specialized protocols often means that end-to-end reliable communication services are not available. Finally, existing network applications must often be reworked in order to utilize the specialized protocols.

Consequently, a method and apparatus is needed for networks which involve wireless WANs which method and apparatus will allow the use of standardized protocols to interface nodes with the wireless network while taking into account the special characteristics of the wireless WAN.

Thus, Gleeson teaches that his invention overcomes the deficiencies associated with using a protocol gateway through use of a use of standardized protocols to interface nodes with a wireless network while taking into account the special characteristics of a wireless WAN. Gleeson teaches **away from** use of a protocol gateway and modification of Gleeson to use a protocol gateway would be **nonsensical** in the context of Gleeson's teachings.

Claims 1, 3-10, 15 and 17-61 recite a system and method that rely on a **protocol gateway** that is adaptively arranged between at least two of a plurality of networks to encapsulate a fundamental network protocol.

The Examiner acknowledged that Gleeson fails to disclose "a **protocol gateway** to encapsulate a fundamental network protocol." (see Office Action, page 4). However, the Examiner relies on a Dunlop to allegedly make up for the acknowledged deficiencies in Gleeson to arrive at the claimed features. The Applicants respectfully disagree.

The Examiner **acknowledged** that "Gleeson fails to teach the limitation further including a **protocol gateway** adaptively arranged between at least two of said plurality of said networks to encapsulate a fundamental network protocol (see Office Action, page 3). The Examiner relied on Dunlop to allegedly make up for the deficiencies in Gleeson to arrive at the claimed features.

The Examiner **acknowledged** that “Dunlop teaches an interface between a host device and a communication or information network (see abstract).” (see Office Action, page 3). The Examiner **acknowledged** that “Dunlop teaches the use of a reconfigurable network interface architecture including a device to support multiple network operating protocols and an OSI protocol stack” (see Office Action, pages 3 and 4). As the Examiner could not point to a single paragraph within Dunlop to teach a protocol gateway, a thorough reading of Dunlop reveals that Dunlop **fails** to even mention a protocol gateway. Dunlop’s invention is directed toward a multi-protocol reconfigurable network interface card or NIC 20 (see Fig. 2). The NIC 20 can support multiple network operating protocols between a chosen network 16 and a host device 18 (see Dunlop, col. 3, lines 20-22; Fig. 2).

By the Examiner’s own **acknowledgment**, Dunlop **fails** to make up for the **acknowledged** deficiency in Gleeson, i.e., **fails** to teach a **protocol gateway**, much less a **protocol gateway** that is adaptively arranged between at least two of a plurality of networks to encapsulate a fundamental network protocol, as recited by claims 1, 3-10, 15 and 17-61.

Moreover, the Examiner acknowledgment of what Dunlop teaches **fails** to even address the recited **protocol gateway**. It is well settled that each and every claim limitation must be considered. As specified in MPEP §2143.03, entitled “All Claim Limitations Must Be Taught or Suggested”: “To establish prima facie obviousness of a claimed invention, **all** the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). ‘**All** words in a claim must be considered in judging the patentability of that claim against the prior art.’ In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).” MPEP §2143.03 at 2100-133 (Rev. 2, May 2004). The Examiner’s rejection fails to address the recited **protocol gateway**. The Examiner has failed to address **ALL** of the Applicants’ claimed features, much less provide prior art that teaches the claimed features.

Thus, Gleeson in view of Dunlop, either alone or in combination, fails to disclose, teach or suggest a **protocol gateway**, much less a **protocol gateway** that is adaptively arranged between at least two of a plurality of

networks, much less such arrangement to encapsulate a **fundamental network protocol**, as recited by claims 1, 3-10, 15 and 17-61.

Accordingly, for at least all the above reasons, claims 1, 3-10, 15 and 17-61 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

**Claims 11-14 and 16 over Gleeson in view of Dunlop and Meyer**

In the Office Action, claims 11-14 and 16 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Gleeson in view of Dunlop, and further in view of U.S. Patent No. 6,778,099 to Meyer et al. ("Meyer"). The Applicants respectfully traverse the rejection.

Claims 11-14 and 16 recite a system and method that rely on a **protocol gateway** that is adaptively arranged between at least two of a plurality of networks to encapsulate a fundamental network protocol.

As discussed above, the Gleeson in view of Dunlop fails to disclose, teach or suggest a system and method that rely on a **protocol gateway** that is adaptively arranged between at least two of a plurality of networks, much less a protocol gateway that is adaptively arranged between at least two of a plurality of networks to encapsulate a fundamental network protocol, as recited by claims 11-14 and 16.

The Examiner relies on Meyers to allegedly make up for the deficiencies in Gleeson to arrive at the claimed features. The Applicants respectfully disagree.

Meyer discloses a communications module that permits remote meter reading of a utility meter. However, Meyer's fails to teach any device that is arranged between at least two of a plurality of networks, much less such an arrangement to encapsulate a fundamental network protocol. Meyer fails to disclose, teach or suggest a system and method that rely on a **protocol gateway** that is adaptively arranged between at least two of a plurality of networks to encapsulate a fundamental network protocol, as recited by claims 11-14 and 16.

Thus, theoretically modifying Gleeson with Dunlop and Meyer, would still fail to disclose, teach or suggest a system and method that rely on a

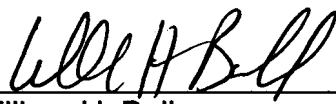
**protocol gateway** that is adaptively arranged between at least two of a plurality of networks to encapsulate a fundamental network protocol, as recited by claims 11-14 and 16.

Accordingly, for at least all the above reasons, claims 11-14 and 16 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

**Conclusion**

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

  
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